

8th November 1957]

APPENDIX.

[Vide item III on page 471 supra.]

**THE MADRAS VILLAGE PANCHAYATS (AMENDMENT)
BILL, 1957 (L.A. BILL No. 16 OF 1957).**

COMPOSITION OF THE SELECT COMMITTEE.

Chairman.

- 1 The Hon. Sri C. SUBRAMANIAM.

Members.

- 2 The Hon. Srimathi LOURDHAMMAL SIMON.
- 3 Sri S. M. ANNAMALAI.
- 4 Sri D. S. AUTHIMOOLAM.
- 5 Sri P. S. CHINNADURAI.
- 6 Sri M. KALYANASUNDARAM.
- 7 Sri P. G. KARUTHIRUMAN.
- 8 Srimathi KAMALAMBUJA AMMAL.
- 9 Sri V. A. MUTHAIYA.
- 10 Sri K. N. PALANISWAMI GOUNDER.
- 11 Sri M. D. RAMASWAMI.
- 12 Sri T. V. SANNASI.
- 13 Sri T. SIVAGNANAM PILLAI.
- 14 Sri K. VASUDEVAN.
- 15 Sri K. VINAYAKAM.

Secretariat.

Sri T. HANUMANTHAPPA (*Secretary*).

Sri G. M. ALAGARSWAMY (*Assistant Secretary*).

[8th November 1957]

REPORT OF THE SELECT COMMITTEE ON THE MADRAS VILLAGE
PANCHAYATS (AMENDMENT) BILL, 1957 (L.A. BILL NO. 16 OF 1957).

To

The Honourable The LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Village Panchayats (Amendment) Bill, 1957 (L.A. Bill No. 16 of 1957), has the honour to make the following report.

2. The Bill was published in English in an extraordinary issue of the *Fort St. George Gazette*, Part IV-A, dated the 22nd October 1957, and in Tamil in the *Fort St. George Gazette*, dated the 30th October 1957.

3. The Committee was appointed by a resolution of the Assembly, dated the 2nd November 1957.

4. The Committee met in the Committee Room, Legislators' Hostel (Old), Government Estate, Mount Road, Madras, on the 5th November 1957 for the consideration of the Bill.

5. The Committee has subjected the clauses of the Bill to a careful scrutiny and as a result of such scrutiny has made certain changes in them.

Clause 3.

Clause (b) of the proposed sub-section (2) of section 3 of the principal Act provides that the Inspector may, by notification, exclude from a village any specified area declared by the Government as an industrial, labour or institutional colony or as a health resort. The Committee feels that the notification should be issued by the Government and that the draft of such a notification shall be placed before the Assembly and shall be subject to such modifications whether by way of repeal or amendment, as the Assembly may make. The proposed sub-section has been amended accordingly and the different clauses have been re-arranged suitably.

New clause after clause 9.

The Committee also feels that in accordance with the recommendation of the Committee on Subordinate Legislation the provisions delegating legislative powers should be amended to make them uniform with other Acts. A new clause has accordingly been added amending section 113 of the Principal Act.

6. The Committee decided that the Bill need not be republished.

7. A copy of the Bill as approved by the Committee is annexed.

8. Dissenting minutes given by some Members are appended.

FORT ST. GEORGE,
MADRAS,
6th November 1957.

C. SUBRAMANIAM,
Chairman.

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ANNEXURE.

NOTE.—*The changes made are side-lined or under-lined.*

L.A. BILL No. 16 OF 1957.

A Bill further to amend the Madras Village Panchayats Act, 1950.

WHEREAS it is expedient further to amend the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the purposes hereinafter appearing;

BE it enacted in the Eighth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Village Panchayats (Amendment) Act, 1957.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section 2, Madras Act X of 1950.*—In clause (22) of section 2 of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950) (hereinafter referred to as the principal Act), the words “ and includes a hamlet in existence at the commencement of this Act and notified by the Inspector to be a revenue village for the purposes of this Act ” shall be omitted.

3. *Amendment of section 3, Madras Act X of 1950.*—For sub-sections (1) and (2) of section 3 of the principal Act, the following sub-sections shall be substituted, namely :—

“ (1) The Inspector shall, as soon as may be after the commencement of this Act, by notification, declare every local area comprising a revenue village or villages or any portion or portions thereof to be a village for the purposes of this Act and specify the name of such village :

Provided that no area shall be declared to be a village unless it has a population of not less than five hundred.

(2) (a) The Inspector may, by notification, exclude from a village any local area comprised therein, provided that the population of the village, after such exclusion, is not less than five hundred.

(b) In regard to any area excluded under clause (a), the Inspector shall by notification under sub-section (1) declare it to be a village if it has a population of not less than five hundred or if its population is less than five hundred include it in any contiguous village under clause (c) (i).

(c) The Inspector may, by notification,—

(i) include in a village any local area in the vicinity thereof; or

(ii) cancel a notification issued under sub-section (1); or

(iii) alter the name of any village specified under sub-section (1).

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(2-A) (a) The Government may, by notification, exclude from a village any specified area which is an industrial, labour or institutional colony or a health resort :

Provided that before issuing such notification a draft of the same shall be placed before the Legislative Assembly and such draft shall be subject to such modifications as the Assembly may make within fourteen days of the date on which the draft was so placed and if the Assembly disapproves of the issue of such notification it shall not be issued.

(b) In regard to any area excluded under clause (a), the Government may, if authorized in that behalf by a resolution of the Legislative Assembly, by notification, constitute a village committee.

(c) A notification issued by the Government in pursuance of such resolution may direct that any functions vested in a panchayat by or under this Act shall be transferred to and performed by the village committee and shall provide for—

- (1) the total number of members of the village committee;
- (2) the persons who shall be members of the village committee or the manner in which they shall be appointed;
- (3) the person who shall be the Chairman of the village committee or the manner in which he shall be elected or appointed;
- (4) the term of office of members and Chairman;
- (5) the restrictions and conditions subject to which the village committee may perform its functions; and
- (6) the procedure of the village committee.

(d) The Government may, by notification, direct that any of the provisions of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or of any rules made thereunder or of any other enactment for the time being in force elsewhere in the State of Madras, but not in the area excluded under clause (a), shall apply to that area to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

(e) Before issuing a notification under clause (a) or under clause (b) of sub-section (2) read with sub-section (1) or under clause (c) of sub-section (2) the Inspector shall give the panchayat or panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the explanations and objects, if any, of such panchayat or panchayats ”.

4. *Amendment of section 6, Madras Act X of 1950.*—In sub-section (1) of section 6 of the principal Act, the words, “ exclusive of its president ” shall be omitted.

5. *Amendment of section 10, Madras Act X of 1950.*—In sub-section (1) of section 10 of the principal Act, for the words “ three years ”, the words “ five years ” shall be substituted.

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6. *Substitution of new sections for sections 21 and 22, Madras Act X of 1950.*—For sections 21 and 22 of the principal Act, the following sections shall be substituted, namely :—

“ 21. *Election of president and vice-president.*—The president and vice-president shall be elected by the panchayat from among its members in accordance with such procedure as may be prescribed.

22. *Procedure when no president or vice-president is elected.*—If at an election held under section 21, no president or vice-president is elected, a fresh election shall be held for electing the president or vice-president as the case may be.”

7. *Amendment of section 36, Madras Act X of 1950.*—In section 36 of the principal Act, the brackets and words “ (other than the president) ” shall be omitted.

8. *Amendment of section 48, Madras Act X of 1950.*—In section 48 of the principal Act—

(i) sub-section (2) shall be omitted;

(ii) in sub-section (4), for the words “ as well as its vice-president ”, the words “ as well as its president and vice-president ” shall be substituted;

(iii) for sub-section (5) the following sub-section shall be substituted, namely :—

“ (5) During the interval, if any, between the dissolution and the reconstitution of a panchayat or during the period of its supersession, as the case may be, the Inspector may appoint a person to exercise the powers and discharge the duties of the panchayat and of its president including where the president is also the executive authority, his powers and duties as such until the reconstitution of the panchayat. Any person other than the executive officer who is so appointed may, if the Inspector so directs, receive payment for his services from the panchayat.”;

(iv) in sub-section (6), the words “ other than the president ” shall be omitted.

9. *Amendment of section 112, Madras Act X of 1950.*—In sub-section (2) of section 112 of the principal Act, clause (xi) shall be omitted.

10. *Amendment of section 113, Madras Act X of 1950.*—In section 113 of the principal Act, after sub-section (3), the following sub-section shall be added, namely :—

“ (4) All rules made and all notifications issued under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of Legislature and shall be subject to such modifications by way of amendments or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.”

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11. Amendment of section 122, Madras Act X of 1950.—In section 122 of the principal Act—

(i) in sub-section (2), the words “ and of the president ” and the words “ and the president ” shall be omitted.

(ii) in sub-section (3), the words “ and of the president ” shall be omitted.

T. HANUMANTHAPPA,
Secretary.

FORT ST. GEORGE,
MADRAS-9,
6th November 1957.

APPENDIX.

DISSENTING MINUTES.

I

(1) This Bill seeks to amend the Madras Panchayats Act, 1950. The changes sought for are fundamental. There is no need to amend the Act so fundamentally and so urgently, when the proposals for the reorganization of the Panchayats are on the anvil.

(2) Only recently the Assembly discussed the White Paper containing proposals for reorganization and the future set up of the Local Administration as a whole, including Village Panchayats. A committee of the Legislature has been set up to assist the Minister for Local Administration, for finalising the conclusions. I, therefore, feel that there is no need to rush through a piecemeal legislation at this stage. Elections to the Panchayats could be held in accordance with the existing laws for the present.

(3) One of the changes, which this Bill seeks to make, is about the method of electing the Presidents of the Panchayats. According to the Panchayat Act of 1950, the President of the Panchayat should be elected by the entire voters in the whole of the Panchayat. This provision is now sought to be changed, so that the Presidents of the Panchayats shall be elected by the members of a Panchayat from among themselves. This is a retrograde step, to put it mildly. The system of electing the Presidents directly by the voters has been working well, and has received widest support. This system had a healthy influence against casteism and other kinds of evil influence, as the President has to rely on the support of the entire population, without caste or creed. This system is very vital, for the realisation of the directive principle contained in Article 40 of the Constitution of India, viz., the Panchayats should function as the units of self-government.

Any change of this system into one of electing the Presidents of the Panchayats, by the members from among themselves, would weaken the authority of the Panchayat, as it would throw open the post of the President to intrigues of all sorts. So, I am strongly opposed to this change.

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(4) The second important change, that this Bill seeks to make, is to extend the term of office of the Panchayat Board Members from three to five years. This change, according to me could be supported only in case secret ballot is ensured in the elections to the Panchayats, and the system of direct election for the posts of the Presidents is adhered to. Otherwise the extension of the term to five years would be injurious to the effective functioning of the Panchayats.

(5) The other changes sought to be made, although appear to be very minor, are important. There is no need to vest powers in the hands of the Inspector of Local Boards to bifurcate a village, or to exclude the housing colonies from the adjacent panchayats. Such exclusions, would curtail the resources of the panchayats concerned and would even endanger the efficient functioning. Since the majority of the Select Committee support this change, I would suggest the following modifications :—

(a) All notifications of exclusion should be issued by the Government and should take effect only after they are placed on the table of the Assembly with such modifications as the Assembly would make.

(b) Provision should be made for the constitution of the colony committees, by means of secret ballot.

(c) Such colony committees should be governed by the Panchayats Act, for supervision and administration.

(6) For the reasons stated above, I would strongly urge that the consideration of this Bill be deferred until final decisions are made on the proposals made in the White Paper on Local Administration.

M. KALYANASUNDARAM.

MADRAS,
6th November 1957.

II

Clause (b) of the proposed sub-section (2) of section 3 of the principal Act seeks to bring in capitalistic ideas detrimental to the fundamental principles of Local Self-Government which is the foundation of the Socialistic Society. Exclusion of Industrial and Labour Colonies, etc., is to deprive a section of the people of this State of the rights and benefits guaranteed to them under the principal Act. The distinction sought to be made is without any difference. It is difficult to understand why a section of people living in a village should be treated separately.

Clause (e) of the proposed sub-section (2) of section 3 of the principal Act with its proviso is a consequence of clause (b) of the new sub-section (2). This tends to create altogether a different kind of Area Committee other than a statutory panchayat in and close to the panchayat village. The constitution, scope and functions of these proposed committees have no relation to that of the panchayat. This is unwarranted besides being undemocratic. Clause (f) of the proposed sub-section (2) is also unnecessary.

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Clause 5.

This amendment seeks to extend the term of an elected panchayat from 'three' to 'five' years. It takes away a right of the people, namely, the frequency of chances to elect their representatives from time to time. The amendment is a step backward in our onward march and also most undemocratic.

Clause 6.

This amendment provides for the much-hated system of indirect election of the President.

Clauses 4, 7, 8, 9 and 10 are consequential to the above clauses 5 and 6.

As one wedded to democratic principles and aiming at a Socialist Society, I cannot agree to the abovementioned undemocratic and capitalistic changes envisaged, under the proposed Bill.

P. S. CHINNADURAI.

MADRAS.

6th November 1957.

III

Provision of direct election to the Presidentship will alone help poor public spirited persons of popularity to be elected as the presidents of panchayats. Provision of indirect election will open the gates for unfair practices at the panchayats level. Hence I beg to differ from the majority view.

S. M. ANNAMALAI.

MADRAS.

6th November 1957.